

Congress of the United States
House of Representatives
Washington, DC 20515-3310

January 27, 2021

David Pekoske
Acting Secretary
Department of Homeland Security
Washington, DC 20528

Dear Acting Secretary Pekoske:

I am writing in response to the Department of Homeland Security's (DHS) memorandum dated January 20, 2021, which set interim immigration enforcement and removal policies for the new Administration. One such policy is a 100-day pause on deportations of any noncitizens, even those with a final order of removal, which you directed to go into effect no later than January 22 with limited exceptions.

Not only does the Administration's action fail to comply with existing immigration law, it also violates an agreement between DHS and the Rockingham County, N.C. Sheriff's Office (hereby referred to as Sheriff's Office), signed January 12, 2021, in multiple ways. This agreement, officially named the "Sanctuary for Americans First Enactment (SAFE) Agreement," is mutually beneficial for all parties involved.

Under the agreement, the Sheriff's Office is required to provide information and assistance to help DHS carryout its immigration and security missions. In return, the Department has an obligation to inform and consult with the County Sheriff's Office before any major decisions are implemented that could, among other actions, reduce immigration enforcement or increase the number of illegal aliens in the United States. Under Section III.A.2, DHS is explicitly required to consult with and consider the Sheriff Office's views after proposing any policies that involve "pausing or decreasing the number of returns or removals of ... inadmissible aliens." The SAFE agreement also states that DHS must provide 180-days' notice before implementation of the proposed action, and consider input from the Sheriff's Office, including providing an explanation behind any decision to reject the advice.

However, by proposing and subsequently implementing the policy, none of these conditions were met. DHS did not contact or notify the Sheriff's Office after announcing the policy and implemented it without allowing for feedback well before the 180-day minimum. Any substantial changes to immigration policy affect law enforcement and citizens' health, safety, and fiscal interests at the local level. Therefore, agencies such as the Sheriff's Office must be informed and allowed to provide input into major decisions. In the agreement, DHS itself acknowledges the broad array of negative consequences policy changes, such as the one your Department recently implemented, can have on local entities, including budget needs which have been set months in advance with little ability to adjust.

DISTRICT OFFICES

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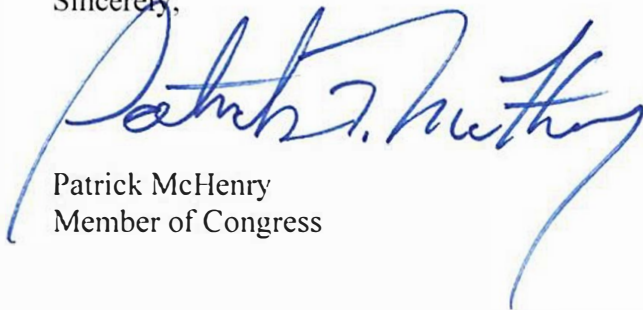
GASTONIA DISTRICT OFFICE:
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BLACK MOUNTAIN, NC 28711
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Due to the reasons listed above and DHS' violation of the SAFE Agreement with the Sheriff's Office, I demand that you immediately rescind the Administration's immigration memorandum and reverse the freeze on deportations of illegal aliens. I also request that any future immigration actions that DHS and the Administration take adhere to the SAFE Agreement in order for the Sheriff's Office to be aware of proposed changes and to allow input from a ground level to make informed adjustments. It is unacceptable that DHS's new policy went into place within 48 hours, without conferring with or gathering any feedback from local agencies and communities who signed these agreements. I ask that you respond with 1) DHS' plan to abide by the SAFE agreement in the recent deportation freeze order and 2) How DHS will ensure it abides by the agreement in the future before other policies are proposed and enacted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick McHenry", is written over the typed name and title.

Patrick McHenry
Member of Congress

cc: U.S. Customs and Border Protection
Office of the Commissioner
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Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
Office of the Director 500
12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
Office of the Director
5900 Capital Gateway Drive
Suitland, Maryland 20746